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Serial No. 09/672,393
60130-899IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant: Maass, et al.
 Serial No.: 09/672,393
 Filed: September 28, 2000
 Group Art Unit: 3634
 Examiner: Redman, Jerry E.
 Title: MOTOR VEHICLE DOOR

APPEAL BRIEF

Mail Stop – Appeal Brief
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Subsequent to the Notice of Non-Compliant Appeal Brief mailed February 26, 2007 and March 13, 2006, the filing of the Notice of Appeal on October 27, 2005 and the Notice of Panel Decision from Pre-Appeal Brief Review mailed on December 6, 2005, Appellant hereby submits its brief. Appellant has already authorized the Commissioner to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds, P.C. for the \$500.00 appeal brief fee. Any additional fees or credits may be charged or applied to Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds, P.C.

REAL PARTY IN INTEREST

The real party in interest is Meritor Automotive GmbH, the assignee of the entire right and interest in this Application.

RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences related to the present application of which the Appellants are aware.

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STATUS OF CLAIMS

Claims 10, 11, 23 and 25-28 stand finally rejected under 102(b), and claims 14-21 and 29 stand finally rejected under 103(a). Claims 10, 11, 14-21, 23 and 25-29 are therefore pending. Claims 1-9, 12-13, 22 and 24 have been cancelled. The Examiner indicated that the rejection of claims 10, 11, 14-21, 23, 25 and 26 under 112, second paragraph, was withdrawn in view of the remarks in the response filed September 27, 2005.

STATUS OF AMENDMENTS

All amendments have been entered.

SUMMARY OF CLAIMED SUBJECT MATTER

As shown in Figure 1, this invention relates to a motor vehicle door 10 including an interior sheet metal 12, an exterior sheeting 14, and a hollow interior space 16 formed between the exterior sheeting 14 and the interior sheet metal 12 (page 6, lines 17-20). The interior sheet metal 12 includes an opening 18, and a carrier module closes the opening 18 and carries at least one functional part 24 of the motor vehicle door 10 (page 6, lines 20-27). The carrier module includes a base plate 20 which closes the opening 18 from inside the hollow interior space 16 (page 6, lines 20-22). An access opening 22 formed at a free edge of the interior sheet metal 12 is sized large enough to allow entry of the carrier module into the hollow interior space 16 (page 6, lines 20-27). This basic structure is set forth in independent Claim 10.

Claim 11 depends on claim 10 and adds that the access opening 22 is closed by the exterior sheeting 14, and the exterior sheeting 14 further includes a carrier frame (page 6, lines 23-30). Claim 14 depends on claim 10 and adds that the at least one functional part 24 is a window lifting assembly 24 including at least one guide rail 24A for a window pane 28 that is lifted and lowered (page 7, lines 1-8 and lines 15-17). Claim 15 depends on claim 10 and adds that the at least one functional component 24 is a window lifting arrangement 24 including a pair of guide rails 24A that are rigidly

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connected for a window pane 28 which is lifted and lowered (page 7, lines 1-8 and 15-17). Claim 18 depends on claim 15 and adds that the window lifting arrangement 24 includes a diecast part that functions as a carrying structure (page 7, lines 12-13). Claim 27 depends on claim 10 and adds that the free edge of the interior sheet metal 12 is a side edge (Figure 1).

Independent claim 27 recites a motor vehicle door 10 including an interior sheet metal 12, an exterior sheeting 14, and a hollow interior space 16 formed between the exterior sheeting 14 and the interior sheet metal 12 (page 6, lines 17-20). An access opening 22 to the hollow interior space 16 is provided in the interior sheet metal 12 (page 6, lines 23-27). A closing plate 30 closes the access opening 22. The closing plate 30 includes an opening 18 (page 8, lines 29-31). A carrier module including a base plate 20 carries a window lifting arrangement 24 and closes the opening 18 (page 6, lines 20-22). The access opening 22 is sized large enough to allow entry of the carrier module into the hollow interior space 16 (page 6, lines 23-27).

Claim 29 depends on claim 27 and adds that the window lifting arrangement 24 includes a pair of guide rails 24A which are rigidly connected for a window pane 28 that is lifted and lowered (page 8, lines 1-8 and 15-17).

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

- A. Are Claims 10, 11, 23 and 25-28 properly rejected under 35 U.S.C. 102(b) based on Szerdahelyi et al. (U.S. Patent No. 6,076,882)?
- B. Are claims 14-21 and 29 properly rejected under 35 U.S.C. 103(a) based on Szerdahelyi et al. in view of Carlo (U.S. Patent No. 6,233,875)?

ARGUMENTS

A. Anticipation rejection in view of Szerdahelyi

Claims 10, 23 and 26

Claims 10, 23, and 26 stand rejected under 35 U.S.C. §102(b) as anticipated by Szerdahelyi et al. (U.S. Patent No. 6,076,882). The present invention is patentable and

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strikingly different from Szerdahelyi. As described by the claims, the present invention provides a motor vehicle door having:

... a carrier module that closes said opening and carries at least one functional part of the motor vehicle door, said carrier module including a base plate which closes said opening from inside said hollow interior space; and an access opening formed at a free edge of said interior sheet metal sized large enough to allow entry of said carrier module into said hollow interior space.

[See Claim 10. Claims 10, 11, 14-21, 23 and 25-29 of the present invention all share this same or similar feature. [See Claims 10, 11, 14-21, 23 and 25-29].

Szerdahelyi does not disclose the claimed invention. Szerdahelyi discloses a window lift mechanism 31 mounted on a module support 3 that closes a cutout opening 10 in an inner door panel 1b (Figure 1a). The module support 3 includes assembly openings 3a and 3b that are closed by functional units 5 and 6. The Examiner is calling the functional units 5 and 6 a carrier module, the assembly openings 3a and 3b an openings, and the opening 10 an access opening.

Szerdahelyi does not disclose an access opening formed at a free edge of an interior sheet metal as claimed. In Szerdahelyi, the module support 3 including a mounted window lift mechanism 31 closes the cutout opening 10 in the inner door panel 1b. The cutout opening 10 is not formed at a free edge of the interior door panel 1b. Instead, the cutout opening 10 is formed in a central portion of the interior door panel 1b. The central portion of the interior door panel 1b is not located at the edge of the vehicle door and is certainly not located at the free edge of the vehicle door. Szerdahelyi does not disclose an access opening formed at a free edge of an interior sheet metal as claimed.

Szerdahelyi also does not disclose a carrier module including a base plate that closes an opening in an interior sheet metal from inside a hollow interior space formed between the interior sheet metal and an exterior sheeting as claimed. Szerdahelyi disclose a vehicle door including functional units 5 and 6 that are received in assembly openings 3a and 3b of a module support 3. The module support 3 closes an opening 10 in an inner door panel 1b. An interior space is defined between the inner door panel 1b and an outer door panel 1a. The functional units 5 and 6 close the openings 3a and 3b in the

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module support 3 from outside the interior space, not from inside the interior space as claimed. As shown in Figure 1c, the seals 51 and 61 around the inner perimeter of the functional units 5 and 6 face into the page. Therefore, the functional units 5 and 6 are received in the openings 3a and 3b in a direction towards the page, which is outside the interior space. These features are further shown in Figures 1e and 1f. The claimed invention is not anticipated, and Applicant respectfully requests that the rejection be withdrawn.

Claim 11

The rejection of Claim 11 is separately contested from the rejection of Claims 10 et al. Claim 11 is also not anticipated. Claim 11 recites that the access opening is closed by the exterior sheeting. Szerdahelyi does not disclose this feature. In Szerdahelyi, the Examiner is calling the cutout opening 10 the access opening. The cutout opening 10 is closed by the module support 3 and is not closed by the outer door panel 1a. Szerdahelyi does not disclose that the cutout opening 10 is closed by the outer door panel 1a. Claim 11 is not anticipated.

Claim 25

The rejection of Claim 25 is separately contested from the rejection of Claims 10 et al. Claim 25 is also not anticipated. Claim 25 recites that the access opening is formed at a free edge of the interior sheet metal, and the free edge is a side edge. The Examiner is calling the cutout opening 10 the access opening. As shown in Figure 1a, the cutout opening 10 is formed in the middle of the inner door panel 1b. The cutout opening 10 is not formed at the side edge of the inner door panel 1b as claimed. The claimed invention is not anticipated, and Applicant respectfully requests that the rejection be withdrawn.

Claims 27 and 28

Claims 27-28 are also not anticipated by Szerdahelyi. Szerdahelyi does not disclose a carrier module including a window lift mechanism that closes an opening of a closing plate, and the closing plate closes an access opening as claimed. In Szerdahelyi, a window lift mechanism 31 is mounted to a module support 3 (column 3, lines 36 to 38).

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Functional units 5 and 6, which the Examiner is calling the carrier module, are also assembled on the module support 3. The window lift mechanism 31 is not carried by the functional units 5 and 6, but is rather carried by the module support 3. The functional units 5 and 6 do not carry the window lift mechanism 31. Szerdahelyi does not disclose a carrier module including a window lift mechanism that closes an opening of a closing plate that closes an access opening as claimed. The claimed invention is not anticipated.

B. Obviousness rejection Over Szerdahelyi as Modified by Carlo.

Claims 14-17 and 19-21

Claims 14-17 and 19-21 stand rejected under 35 U.S.C. §103(a) as obvious over Szerdahelyi in view of Carlo (U.S. Patent No. 6,233,875). The Examiner contends that it would be obvious to provide the window raiser of Carlo in Szerdahelyi, and therefore claims 14-17 and 19-21 are obvious.

The claimed invention is not obvious. The Examiner is calling the functional units 5 and 6 the carrier module. In Szerdahelyi, the window lift mechanism 31 is mounted on the module support 3 and is not mounted on the functional units 5 and 6. Szerdahelyi specifically teaches mounting the window lift mechanism 31 on the module support 3. Moving the window lift mechanism 31 to be mounted on the functional units 5 and 6 would teach against the disclosure of Szerdahelyi. Additionally, it is not possible to mount the window lift mechanism 31 on the functional units 5 and 6 as the Examiner contends. As shown in Figure 1c, the functional units 5 and 6 are small and not capable of supporting a window lift mechanism 31. There is also not enough room on the functional units 5 and 6 to fit the window lift mechanism 31. It is not possible to mount the window lift mechanism 31 on the functional units 5 and 6 of Szerdahelyi, and the claimed invention is not obvious.

Additionally, Claims 14-17 and 19-21 depend on patentable independent claim 10 and are allowable for the reasons set forth above. Adding Carlo to Szerdahelyi still does not disclose, suggest or teach the claimed invention because neither of the references disclose an access opening formed at a free edge of an interior sheet metal or a carrier module including a base plate that closes an opening in an interior sheet metal from

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inside a hollow space formed between the interior sheet metal and the exterior sheeting as claimed. Neither reference alone teaches these features. Therefore, when taken together, the references does not teach, suggest or disclose these features.

The Examiner states that the Board of Appeals has stated that the combination is reasonable. However, neither reference discloses an access opening formed at a free edge of an interior sheet metal or a carrier module including a base plate that closes on opening in an interior sheet metal from inside a hollow space formed between the interior sheet metal and the exterior sheeting. Neither reference alone teaches these features, and therefore the combination of the references does not disclose, suggest or teach the claimed invention. The claimed invention is not obvious, and Applicant respectfully requests that the rejection be withdrawn.

Claim 18

The rejection of Claim 18 is separately contested from the rejection of Claims 14 et al. Claim 18 recites that the window lifting arrangement features a diecast part as a carrying structure. Carlo discloses a module including a plate of an injected molded material such as polypropylene, polyphenylene, or polyethylene having a peripheral part of polyamide. Neither Szerdahelyi nor Carlo discloses or suggests a diecast part as required by Appellant's claims. A diecast carrying structure is not disclosed or suggested in either reference, and Claim 18 is further not obvious in view of Szerdahelyi and Carlo

Claim 29

Claim 29 is not obvious. Claim 29 recites that the window lifting arrangement carried by the carrier module includes a pair of guide rails that are rigidly connected for a window pane. The Examiner is calling the functional units 5 and 6 the carrier module. In Szerdahelyi, the window lift mechanism 31 is mounted on the module support 3 and is not mounted on the functional units 5 and 6. Szerdahelyi specifically teaches mounting the window lift mechanism 31 on the module support 3. Moving the window lift mechanism 31 to be mounted on the functional units 5 and 6 would teach against the disclosure of Szerdahelyi. Additionally, it is not possible to mount the window lift mechanism 31 including guide rails on the functional units 5 and 6 as the Examiner

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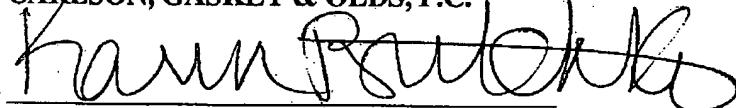
contends. As shown in Figure 1c, the functional units 5 and 6 are small and not capable of supporting a window lift mechanism 31 including guide rails. There is also not enough room on the functional units 5 and 6 to fit the window lift mechanism 31 including guide rails. It is not possible to mount the window lift mechanism 31 including guide rails on the functional units 5 and 6 of Szerdahelyi, and the claimed invention is not obvious.

CLOSING

For the reasons set forth above, the rejection of all claims is improper and should be reversed. Appellant respectfully requests such an action.

Respectfully Submitted,

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Dated: March 6, 2007

CERTIFICATE OF FACSIMILE

I hereby certify that this appeal brief is being facsimile transmitted to the United States Patent and Trademark Office, 571-273-8300 on March 6, 2007.


Amy M. Spaulding

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CLAIM APPENDIX

10. A motor vehicle door comprising:
 - an interior sheet metal;
 - an exterior sheeting;
 - a hollow interior space formed between said exterior sheeting and said interior sheet metal;
 - an opening in said interior sheet metal;
 - a carrier module that closes said opening and carries at least one functional part of the motor vehicle door, said carrier module including a base plate which closes said opening from inside said hollow interior space; and
 - an access opening formed at a free edge of said interior sheet metal sized large enough to allow entry of said carrier module into said hollow interior space.
11. The motor vehicle door as recited in claim 10 wherein said access opening is closed by said exterior sheeting, and said exterior sheeting further includes a carrier frame.
14. The motor vehicle door as recited in claim 10 wherein said at least one functional part is a window lifting assembly including at least one guide rail for a window pane which is lifted and lowered.
15. The motor vehicle door as recited in claim 10 wherein said at least one functional part is a window lifting arrangement including a pair of guide rails which are rigidly connected for a window pane which is lifted and lowered.
16. The motor vehicle door as recited in claim 15 wherein said window lifting arrangement includes a window driving member.
17. The motor vehicle door as recited in claim 16 wherein said window driving member includes at least one connecting brace that accepts a traction cable.

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18. The motor vehicle door as recited in claim 15 wherein said window lifting arrangement includes a diecast part that functions as a carrying structure.
19. The motor vehicle door as recited in claim 14 wherein said carrier module carries an additional functional part.
20. The motor vehicle door as recited in claim 15 wherein said pair of guide rails carries an additional functional part.
21. The motor vehicle door as recited in claim 17 wherein said at least one connecting brace carries an additional functional part.
23. The motor vehicle door as recited in claim 10 wherein said base plate is received in said opening.
25. The motor vehicle door as recited in claim 10 wherein said free edge of said interior sheet metal is a side edge.
26. The motor vehicle door as recited in claim 10 wherein said interior sheet metal and said exterior sheeting together define the hollow interior space.

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27. A motor vehicle door comprising:
 - an interior sheet metal;
 - an exterior sheeting;
 - a hollow interior space formed between said exterior sheeting and said interior sheet metal;
 - an access opening to said hollow interior space provided in said interior sheet metal;
 - a closing plate that closes said access opening, said closing plate including an opening; and
 - a carrier module that carries a window lifting arrangement and closes said opening, said carrier module including a base plate, wherein said access opening is sized large enough to allow entry of said carrier module into said hollow interior space.
28. The motor vehicle door as recited in claim 27 wherein said closing plate closes said access opening from outside said hollow interior space.
29. The motor vehicle door as recited in claim 27 wherein said window lifting arrangement includes a pair of guide rails which are rigidly connected for a window pane which is lifted and lowered.

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EVIDENCE APPENDIX

None

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RELATED PROCEEDINGS APPENDIX

None

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